

REMARKS

Petition for Extension of Time Under 37 CFR 1.136(a)

It is hereby requested that the term to respond to the Examiner's Action of June 27, 2007 be extended three months, from September 27, 2007 to December 27, 2007.

Authorization to charge a Credit Card is given to cover the extension fee. The Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 19-5425.

In the Office Action, the Examiner indicated that claims 1 through 20 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. §103

On page 3 of the Office Action, the Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2006/0128409 to Gress et al. in view of U.S. Patent Application Publication No. 2006/0058049 to McLaughlin et al. On page 4 of the Office Action, the Examiner rejected claims 2-20 under 35 U.S.C. §103(a) as being unpatentable over Gress et al. in view of McLaughlin et al., and further in view of U.S. Patent No. 6,606,373 to Martin.

The Present Invention

The present invention enables a user to send someone a text message even when the sending user is unable or unwilling to use the text messaging capabilities of his phone. With the present invention, the user speaks a voice message into a telephone and selects an option/function of the telephone that causes the voice message to be remotely transcribed into a text message (e.g., an SMS or MMS message) for display on a second telephone. The voice message is converted to an audio format and is sent to a transcription system, where it is transcribed into a text message and passed on to the second telephone for display as a text message.

The Examiner Has Not Established a Prima Facie Case of Obviousness

As set forth in the MPEP:

To support a rejection under 35 U.S.C. §103, a reason, suggestion, or motivation to lead an inventor to combine two or more references must be found. *Pro-Mold and Tool Co. v. Great Lakes Plastics Inc.*, 37 U.S.P.Q.2d 1627, 1629 (Fed.Cir. 1996). The Examiner has not met his burden in establishing a reason, suggestion, or motivation for combining the cited references.

The Examiner relies on Gress (US 2006/0128409) in maintaining the 35 USC 103 rejection. The Examiner states that Gress discloses “an end-user message originator speaking a voice message into the first mobile telephone and then selecting an option or function of the first mobile telephone to cause the voice message to be remotely converted to a SMS or MMS module.” The Examiner relies on para 26, lines 1 – 9; para 27, lines 8 -11; para 32, line 8 – para 33, line 6.

It is entirely correct that the SMS module in Gress can convert voice messages to text using speech to text resources: “For example, stored voice messages can be converted to Unicode text format for generation of a new SMS message 54 using available speech to text (STT) resources 56.” [para 0026] Also “The SMS module 24 retrieves in step 80 a list of stored unified messages (e.g. SMS messages, voice messages, fax messages, e-mail messages...” [para 0032].

But in each case, the message originator simply leaves a message in the format of their choice (e.g. voice, SMS, fax or e-mail etc.). The aim of the Gress invention, as with any unified messaging system, is to insulate the message sender from having to choose to communicate with the message recipient in a specific format – any incoming format will be appropriately handled in a unified manner.

That is the complete opposite of the present claimed invention: in the present claimed invention, the message originator is required to select text (e.g., SMS or MMS) as the format into which the voice message left by the originator will be converted. There is no equivalent step in Gress – and imposing such a step would defeat the object of a unified messaging system like Gress. So not surprisingly, in Gress there is no hint or suggestion of requiring the message originator to explicitly choose that the voice message is converted to text format. Likewise, neither McLaughlin nor Martin contain such a teaching or suggestion. Thus, the combinations proposed by the Examiner do not render the claimed invention obvious.

In the present claimed invention, the message originator must explicitly choose to have a voice message converted to text format. This is very important because it puts the user back in control of a process that he or she could typically otherwise not do – namely send a text message

(e.g., SMS or MMS) directly from his or her mobile telephone. It gives the user confidence that the outcome sought, namely conversion of a voice message to text, will occur. In Gress, there is no such feedback to the message originator because the message originator will have no knowledge that the recipient is even using a unified messaging system; as stated above, the point of systems like Gress is to be invisible to callers, but to give the call recipient much greater control and access to incoming messages.

The essence of the present invention is that it allows someone to “speak a text message” - for example, to get a SMS text delivered to someone, but without the need to actually write and send a SMS text message; writing and sending a text message is a process which many people find difficult. With the present invention, the user simply speaks a voice message into a telephone; the user then selects an option displayed on the telephone that causes the voice message to be remotely transcribed by an operator using a transcription system; the transcription system then causes the transcribed text message to be sent to the desired recipient as a text message.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

Included herein is a Petition for extension of time to respond to the Examiner's Action, and authorization to charge the extension fee to a credit card. The Commissioner is hereby authorized to

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charge any additional fees or credit any overpayment associated with this communication to Deposit
Account No. 19-5425.

Respectfully submitted

December 26, 2007
Date

/Mark D. Simpson/
Mark D. Simpson, Esquire
Registration No. 32,942

SYNNESTVEDT LECHNER & WOODBRIDGE LLP
112 Nassau Street
Princeton, NJ 08542-0592
Telephone: 609 924 3773
Facsimile: 609 924 1811

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